

U.S. Patent Application Serial No. 10/670,386  
Amendment filed September 20, 2005  
Reply to OA dated June 20, 2005

**REMARKS**

Claims 1, 2, 5, 20, 21, 22 and 32 - 37 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated June 20, 2005.

Claims 1 - 37 remain in this application.

As to the merits of this case, the Examiner relies on exactly the same references and reasoning as in the last Office Action so as to set forth the following rejections:

(1) claims 1 - 7, 10 - 16 and 20 - 28 stand rejected under 35 USC §102(b) based on Hirono (U.S. Patent No. 6,246,958); and

(2) claims 8, 9, 17 - 19 and 29 - 37 stand rejected under 35 USC §103(a) based on Hirono in view of Kondou (U.S. Patent No. 6,073,075).

The applicant respectfully requests reconsideration of these rejections.

As referred to in the applicant's arguments, as presented in the Remarks portion of the last Amendment (see, page 19, first paragraph), it is clear that the applicant's specification (line 17, page 28 through line 3, page 29) describes that in his invention:

the processing can be varied based on the term of validity or the date and time for updating, as shown in the flow charts of Fig. 2 and Fig. 3, according to characteristics and types of information need to be updated about, for instance[:]

- [1] once a year such as map information,
- [2] information frequently updated such as traffic information or weather information;
- [3] information irregularly updated depending on the needs and convenience of the distributor such as store information or area information;
- [4] travel route information required to acquire each time the travel route is switched to a new one; and
- [5] information having the similar contents, yet to be treated as different information such as map information for different areas. Because of this feature, only the communicating operation required for acquiring necessary information is executed, which enables more efficient acquisition of accurate information.

Emphasis added. In other words, a significant structural arrangement or feature of the applicant's instant claimed invention includes the setting of communication condition information in accordance with the type of various information (such as, map, traffic, weather, area, shop and event information or the like), and the judgment of the necessity for updating the various information based on the respective communication conditions (see, pages.25, 26, 28 and 29 of the applicant's specification), which are neither disclosed or suggested in the cited references, singly or combination. Since the updating request is transmitted at an appropriate timing in accordance with the type of the information, increase in the processing load and communication cost can be avoided while allowing retrieval of up-to-date information.

In order to further highlight the above-discussed distinguishable claimed structural arrangement or feature of the applicant's claimed invention and in order to address the Examiner's contention that "this difference is not made clearly in the claim language"<sup>1/</sup>, each of independent claims 1, 2, 5, 20, 21, 22 and 32 - 37, now more particularly recites that the frequency of executing the information acquiring operation is dependent on the type of the information that is acquired. As suggested above, such claimed structural arrangement or feature of the applicant's claimed invention is supported by the applicant's description in the specification that, for example, a once-a-year occurrence on map updating information, while a frequent updating of information occurs with traffic information or weather information. Store information or area information can be irregularly updated depending on need or convenience. That is, as now set forth in the claims, the frequency of acquiring the information so as to update current information is based on the type of information that is acquired.

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<sup>1/</sup> See, lines 8 and 9, item 9, page 5 of the outstanding Action dated June 20, 2005.

Hirono lacks the above-discussed distinguishable structural arrangement or feature of the applicant's claimed invention. More particularly, in the Hirono patent, lines 34 - 41, column 4, are merely directed to the displaying, on a display 45, of GPS information (such as, latitude and longitude), and communicating with a map database server 1. Further, in Hirono, lines 57 - 67, column 6, are set forth below as follows:

[w]hen it is judged that the block i corresponding to the value of the counter i is registered in the update list, the flow advances to step S26. The controller 42 determines whether or not the date and time according to the date-time data Dd[i] in the map database server 1 corresponding to the block i is more recent date and time than the date and time according to the date-time data Dn[i] in the flash memory 43 and, when it is judged that the date and time according to the Dd[i] is more recent date and time than the date and time of the Dn[i], data updating processing for the block i is made in step S27 to step S30.

Emphasis added. Here, updating of information, made in step S27 to step S30 is done “when it is judged that the date and time according to the Dd[i] is more recent data and time than the date and time of the Dn[i].” That is, comparison of information or data occurring at different dates and times are compared, and the more recent data is used for the updating process. There is nothing in the Hirono patent for: (1) the determination whether to acquire the information or not based on the current time information, and (2) setting the acquisition demand information based on the type of the information that is acquired.

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Based on the above, not all of the claimed elements or features, now set forth in the amended claims filed herewith, are found in exactly the same situation and united in the same way to perform the identical function in Hirono's apparatus or method. As such, there can be no anticipation of the applicant's claimed invention under 35 USC §102(b) based on the teachings of the Hirono reference.

Accordingly, the withdrawal of the outstanding rejection under 35 USC §102(b) based on Hirono (U.S. Patent No. 6,246,958) is in order, and is therefore respectfully solicited.

In the secondary reference, Kondou's "updateable information" includes information directed to restaurants and/or convenience shops, and more pertinently, to traffic jam information. Also, Kondou's lines 48 - 54, column 8, set forth as follows:

[t]he module terminal 20 may set an effective term to the situation information downloaded from the information server 21, periodically inquire of the information server whether the effective term has expired, and if so, downloads the newest situation information even when the user does not move to the next area.

Emphasis added. Kondou determines whether "the effective term [of the downloaded situation information] has expired." It is for this reason that the Examiner has further relied on Kondou's lines 59 - 62, column 1 (in line 13, page 6 of the outstanding Action) for teaching that Kondou's system is "capable of providing the user with proper information on a real time basis."

However, a closer reading of Kondou makes Kondou's system more like the conventional system discussed in line 16, page 1 through line 18, page 2 of the applicants' specification. That is, Kondou, in lines 48 - 54, column 8, requires that its mobile terminal 20 "periodically inquire[s] of the information server whether the effective term has expired" (emphasis added). Such teaching appears to be what the applicants' invention avoids. That is, as explained in lines 10 - 18, page 2 of the applicant's specification, the conventional system "acquire[s] information through continuous communication" in order to acquire updated information. However, as explained, such system delays and complicates the processing of information, and is costly in that it requires a large processing load.

That is, Kondou's system, being inefficient in acquiring information, is exactly the type of system that the applicant's claimed invention avoids. In the applicant's claimed invention, not only is a determination is made on whether to acquire information or not based on the current time information, but also sets the frequency of executing the information acquiring operation based on the type of information that is acquired (e.g., a once-a-year occurrence on map updating information, while a frequent updating of information occurs with traffic information or weather information; and store information or area information can be irregularly updated depending on need or convenience). That is, only the communicating operation in the applicant's claimed invention required for acquiring necessary information is executed so as to achieve a more efficient acquisition of accurate information.

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Kondou lacks such teachings now claimed in the applicant's claimed invention, and therefore does not supplement the above-discussed similar deficiencies or drawbacks in the teachings of Hirono in failing to fully meet the applicants' claimed invention.

In view of the above, a person of ordinary skill in the art would not have found the applicant's claimed invention, as now recited in the amended claims filed herewith, obvious under 35 USC §103(a) based on Hirono, singly or in combination with the teachings of Kondou. Accordingly, the withdrawal of the outstanding rejection under 35 USC §103(a) based on Hirono in view of Kondou (U.S. Patent No. 6,073,075) is in order, and is therefore respectfully solicited.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

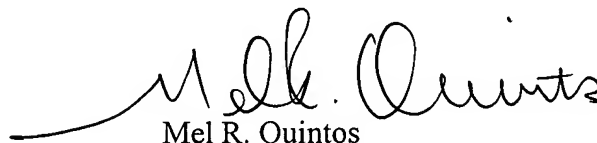
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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